IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.25956 of 2008
HABBA YADAV @ HAUA YADAV @ BALWANT YADAV
s/o. late Ramlakhan Yadav @ Ram Lakhan Singh,
r/o. village- Khamia, P.S. Bhagwanganj, Distt. Patna.
With
Cr. Misc. No.32302 of 2008
Lala Yadav s/o. Ramanand Prasad,
r/o. village Ganga-Chak Malikana, P.S. Masaurhi, Distt. Patna------ Petitioners.
Versus
THE STATE OF BIHAR ---- O.P.

4 20.10.2008 Cr. Misc. No.25956 of 2008 of Habba Yadav @ Haua Yadav @ Balwant Yadav @ Chhathawa Yadav and Cr. Misc. No. 32302 of 2008 of Lala Yadav have arisen out of the same P.S. case so both the applications are being disposed of by this common order.

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This is a case of very serious nature involving murder of six persons, who were the family members of the informant, but the informant lodged F.I.R. against 15 unknown criminals with the allegation that those criminals being variously armed had come to his house and killed his family members.

Learned counsel for the petitioner submits that the petitioner Lala Yadav is in custody since 25.04.2008 and Habba Yadav is in custody since 29.04.2008. He further submits that in the case-diary no witness has named the petitioner amongst the criminals. Learned

counsel also submits that in paragraph-59 of the case-diary Dy. S.P., the Supervisory Authority names the petitioner along with others suspecting them as the criminals, who committed the offence. Learned counsel says that this opinion of the Supervisory Authority is not based on the statement of any witness or any other material excepting that the Supervisory Authority suspected that due to the land dispute the petitioner and others might have committed the murder. Learned counsel for the petitioner says that co-accused Vijay Yadav @ Tengarba Yadav, whose case is similarly situated has been allowed bail by a Bench of this Court vide order dated 24.01.2007 in Cr. Misc. No.41458 of 2006.

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Mr. S.R. Haque, the learned Addl.P.P. does not point out any other material against the petitioners.

In the facts and circumstances of the case, the petitioners as above are admitted to bail on furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the S.D.J.M., Masaurhi, Patna in connection with Dhanarua P.S. Case No.124 of 2001.

Mkr. **(C.M. Prasad, J.)**